

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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First Data Merchant Services Corporation, a Florida corporation,	)	Court File No.: 09-539 DSD/FLN
	)	
Plaintiff,	)	
	)	<b>AFFIDAVIT OF JOSHUA HORN</b>
v.	)	
	)	
Community Finance Group, Inc., a Minnesota corporation,	)	
	)	
Defendant.	)	
	)	

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COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF PHILADELPHIA ) ss.

JOSHUA HORN, being first duly sworn, deposes and states that the following is based upon his personal knowledge:

1. I am a partner with the law firm of Fox Rothschild LLP and am authorized to make this affidavit on behalf of First Data Merchant Services Corporation (“FDMS”).

2. Attached hereto as Exhibit A is a true and correct copy of the merchant services agreement and program guide between Community Finance Group, Inc. (“CFG”) and FDMS.

3. Attached hereto as Exhibit B is a true and correct copy of the June 16, 2009 VISA<sup>™</sup> arbitration decision against CFG.

4. Attached hereto as Exhibit C is a true and correct copy of the September 2, 2009 VISA™ appeal decision against CFG and notification of appeal decision to CFG.

FURTHER YOUR AFFIANT SAYETH NOT.

Dated: October 19, 2009

**s/Joshua Horn**

Joshua Horn

Subscribed and sworn to before me  
this 19th day of October, 2009.

**s/Jami M. Bozzuto**

NOTARY PUBLIC

Philadelphia City, Philadelphia County

My commission expires: February 5, 2010